

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE:	)	CHAPTER 11
	)	
WASHINGTON PROPERTIES, INC., <i>et al.</i> <sup>1</sup>	)	CASE NO. 16-50883
	)	(Request for Joint
	)	Administration Pending)
	)	
	)	JUDGE KOSCHIK
	)	
<u>DEBTORS</u>	)	

**DEBTORS' EMERGENCY MOTION FOR AN ORDER  
SCHEDULING EXPEDITED HEARING TO CONSIDER CERTAIN  
FIRST DAY PLEADINGS AND APPROVING NOTICE THEROF**

The above-captioned debtors and debtors in possession (collectively the “Debtors”) hereby move the Court for the entry of an order (i) scheduling an expedited hearing (the “First Day Hearing”) to consider certain “first day” pleadings (the “First Day Pleadings”) filed contemporaneously with the commencement of these chapter 11 bankruptcy cases (the “Chapter 11 Cases”), and (ii) approving the form and manner of notice of the First Day Hearing and the First Day Pleadings.

In support of this Motion, the Debtors respectfully represent as follows:

**Background**

1. On the date hereof (the “Petition Date”), the Debtors filed their voluntary petitions for relief. The Debtors continue the possession of their property and manage their business, as debtors in possession, pursuant to sections 1107 and 1108 of the Bankruptcy Code.

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<sup>1</sup> The Debtors and the last four digits of the Debtors' United States Tax Identification Number following in parentheses are: Washington Properties, Inc. (1231); Western Reserve of Medina, Ltd. (4201); and MRR Properties, LLC (3179).

2. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334 and reference from the District Court for the Northern District of Ohio pursuant to 28 U.S.C. § 157. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). The venue of the Debtors' Chapter 11 cases and this Motion is proper pursuant to 28 U.S.C. §§ 1408 and/or 1409.

3. Detailed facts about the Debtors, the reasons for the commencement of their Chapter 11 cases, and additional support for this Motion are set forth in the Affidavit and Statement of Michael R. Rose in Support of Chapter 11 Petitions and First Day Pleadings (the "Rose Affidavit"), filed contemporaneously herewith.<sup>2</sup>

### **Relief Requested**

4. The First Day Motions involve matters that require an expedited hearing, and the Debtors respectfully request that the Court, on an *ex parte* basis, schedule the First Day Hearing as soon as the Court's schedule will permit and that the Court approve the form of notice thereof.

5. A form of "Notice of Expedited Hearing on First Day Pleadings" (the "Notice") is attached hereto as Exhibit A. Pending entry of an order approving this Motion, the Debtors propose to serve the Notice as soon as possible on April 18, via e-mail, overnight delivery or facsimile transmission to (i) the United States Trustee for the Northern District of Ohio; (ii) those creditors listed on the Debtors' Consolidated List of Creditors Holding 20 Largest Unsecured Claims as identified in their chapter 11 petitions; (iii) the Debtors' secured lenders or their counsel; and (vi) each party whose rights are affected by such First Day Pleadings, as such parties are listed in the "Notice" paragraph of the applicable First Day Pleadings (collectively, the "Notice Parties"). The Notice will inform the Notice Parties of the hearing date and time,

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<sup>2</sup> Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Rose Affidavit.

provide them with a list of the First Day Pleadings, and tell them how they may obtain copies of the First Day Pleadings.

6. The Debtors also intend to deliver a complete set of the First Day Pleadings along with the Notice by email, facsimile, overnight delivery or hand delivery to the United States Trustee for the Northern District of Ohio; the Debtors' secured lenders or their counsel.

7. Rule 9006(c) of the Federal Rules of Bankruptcy Procedure allows this Court to consider both this Motion and the First Day Pleadings either on such notice as the Court deems appropriate or on an *ex parte* basis.

8. The relief requested in this Motion is necessary to obtain expedited relief on the First Day Pleadings. As described in detail in each of the First Day Pleadings, the expedited relief requested in the First Day Pleadings is essential to: (a) obtain authority to use cash collateral; (b) ensure a smooth transition into chapter 11; (c) maintain the Debtors' operations and businesses throughout the chapter 11 cases; (d) efficiently administer the bankruptcy cases; and (e) establish the basis for the Debtors' restructuring efforts. This Motion and the First Day Pleadings are of the type typically heard on an emergency or expedited basis, and any delay in authorizing the relief therein could have a severe and irreparable effect on the Debtors' operations and their transition into operating as chapter 11 debtors in possession.

9. A summary of the evidence and argument that will be presented at the expedited First Day Hearing is outlined in each First Day Pleading and the Rose Affidavit.

### **Notice**

10. No trustee, examiner or official committee has been appointed in this chapter 11 case. Notice of this Motion has been served on the following entities or, in lieu thereof, to their counsel, if known: (i) the United States Trustee for the Northern District of Ohio; (ii) those

creditors listed on the Debtors' Consolidated List of Creditors Holding the 20 Largest Unsecured Claims; and (iii) the Debtors' secured lenders. In light of the nature of the relief requested herein, the Debtors submit that no other or further notice need be given.

**No Prior Request**

11. No prior request for the relief sought herein has been made to this Court or any other court.

WHEREFORE, the Debtors respectfully request that this Court enter an order, on an expedited and *ex parte* basis, granting the Motion substantially in the form of that which is attached to this Motion as Exhibit B, (i) scheduling an expedited hearing on the First Day Pleadings; (ii) approving the Notice; (iii) approving the proposed manner of notice of the First Day Hearing and the First Day Pleadings; and (iv) granting such other or further relief as the Court deems just and proper.

April 18, 2016

Respectfully submitted,

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